

**A RESOLUTION determining SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with Statement of
Benefits (CF-1) form filing for 2016 for LH Medical
Corporation for property at 6932 Gettysburg Pike under
Confirming Resolution R-02-11 with an "Economic
Revitalization Area" approved under I.C. 6-1.1-12.1**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for LH Medical Corporation as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, LH Medical Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's office, the Allen County Assessor's office and the City of Fort Wayne; and

WHEREAS, LH Medical Corporation's approved Statement of Benefits (SB-1) form stated that **54** full-time and **one** part-time jobs would be retained and **65** full-time jobs would be created by December 2015; and

WHEREAS, LH Medical Corporation's approved Statement of Benefits (SB-1) form stated **\$3,534,000** in annual payroll for the **54** full-time and **one** part-time retained jobs and **\$4,176,000** in annual payroll would be generated by the **65** full-time jobs to be created; and

WHEREAS, LH Medical Corporation's 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **55** jobs were retained and **six** jobs were created; and

WHEREAS, LH Medical Corporation's 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$3,339,121** in annual payroll for the **55** jobs retained and **\$0** in annual payroll for the **six** jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

- 5 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
6 be created or retained as delineated in the original Statement of Benefits Form
7 (SB-1) approved by Common Council; and
- 8 2. Meeting 75% or more of the total payroll stated to be created or retained as
9 delineated in the original Statement of Benefits Form (SB-1) approved by
10 Common Council; and

11 **WHEREAS**, meeting 75% of the **54** full-time and **one** part-time jobs retained means
12 retaining **41** jobs; and

13 **WHEREAS**, meeting 75% of the **65** full-time jobs to be created means creating **48**
14 full-time jobs; and

15 **WHEREAS**, meeting 75% of the **\$3,534,000** in retained annual payroll means
16 **\$2,650,500** in annual payroll; and

17 **WHEREAS**, meeting 75% of the **\$4,176,000** in annual payroll to be created means
18 **\$3,132,000**; and

19 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
20 receipt of the Compliance of Statement of Benefits Form (CF-1) that LH Medical Corporation
21 has substantially complied with the original Statement of Benefits Form (SB-1) approved by
22 Common Council; and

23 **WHEREAS**, LH Medical Corporation **appeared/failed to appear** before council to
24 provide additional information on its compliance with statement of benefits.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
26 **CITY OF FORT WAYNE, INDIANA:**

27 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
28 Benefits Form (CF-1) filed by LH Medical Corporation with an approved economic
29 revitalization area for 2016 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
30 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
the 65 full-time jobs or 48 jobs that were stated that would be created and create 75% of the
\$4,176,000 in annual payroll or \$3,132,000 that was stated that would be generated by the
created jobs.

SECTION 2a. LH Medical Corporation appeared before council and provided
additional information on its compliance with statement of benefits and from this information
it was determined that notwithstanding, LH Medical Corporation 's failure to substantially
comply by its failure to create 48 jobs or more and \$3,132,000 in annual payroll or more from

1 the jobs created, that LH Medical Corporation did make reasonable efforts to substantially
2 comply with the statement of benefits and LH Medical Corporation's failure to substantially
3 comply was caused by factors beyond the control of LH Medical Corporation. Therefore, the
4 continuation of LH Medical Corporation's deduction/abatement under R-02-11 is hereby
approved.

5 **SECTION 2b.** That LH Medical Corporation, appeared and provided additional
6 information on its compliance with statement of benefits and from this information it was
7 determined that notwithstanding LH Medical Corporation's failure to substantially comply by
8 its failure to create 48 jobs or more and \$3,132,000 in annual payroll or more from the jobs
9 created, that LH Medical Corporation did not make reasonable efforts to substantially comply
10 with the statement of benefits and LH Medical Corporation's failure to substantially comply
11 was not caused by factors beyond the control of LH Medical Corporation. Council therefore
12 directs the Community Development Division to mail written notice to LH Medical Corporation
explaining the reasons for Council's determination and a date, time, place of a hearing to be
conducted by Council for the purpose of further considering LH Medical Corporation's 2016
compliance with statement of benefits.

13 **SECTION 2c.** That LH Medical Corporation failed to appear and otherwise provide
14 additional information on its compliance with statement of benefits and has caused Council to
15 conclude and find that LH Medical Corporation is not in substantial compliance pursuant to
16 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne on their
17 2016 filing. Council therefore directs the Community Development Division to mail written
18 notice to LH Medical Corporation explaining the reasons for Council's determination and a
date, time, place of a hearing to be conducted by Council for the purpose of further
considering LH Medical Corporation's 2016 compliance with statement of benefits.

19 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
20 its passage and any and all necessary approval by the Mayor.

21
22 _____
23 Member of Council

24
25 APPROVED AS TO FORM A LEGALITY

26
27 _____
28 Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by LH Medical Corporation in May 2016 with an approved economic revitalization area are in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Glynn Hines and John Crawford